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# Federal Register Document Drafting Handbook

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# Chapter 1: How do I write a document for the proposed rules category?

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**Notes:** In this chapter, “we,” “our,” or “OFR” refer to the Office of the Federal Register, National Archives and Records Administration, and “you” or “your” refer to Federal agencies that prepare documents for publication in the *Federal Register*.

Use the examples in this chapter as models for style, not content. Although many of these are single-spaced for visual impact, you must double-space your document.

## 1.1 What types of documents go in the proposed rules category?

This category contains documents that propose changes to your agency’s regulations in the Code of Federal Regulations (CFR) and request public comment on those proposed changes. Your document may propose regulatory text or describe the subjects and issues involved. The OFR publishes in the proposed rules any document that serves as the first public notice of a rulemaking proceeding and invites public input. Typical documents in this category are:

- Advance notices of proposed rulemaking, notices of inquiry, notices of intent.
- Proposed rules.
- Petitions for rulemaking.
- Unified Agenda of Federal Regulatory and Deregulatory Actions.
- Documents that affect other documents previously published in the proposed rules category. These documents:
  - Extend the comment deadline.
  - Announce a meeting or hearing.
  - Publish or announce the availability of supplemental information.
  - Withdraw or terminate a proposed rule.
  - Correct a previously published proposed rule.
- Negotiated rulemaking documents. These documents:
  - Establish committees.
  - Announce committee meetings.

## 1.2 What are the requirements for a document in the proposed rules category?

A document published in the proposed rules category should include the following items:

- Billing Code.
- Headings.
- Preamble.
- List of Subjects.
- Words of Issuance.
- Regulatory Text.
- Signature Block.

Remember, your document may propose regulatory text or describe the subjects and issues involved.

## *Billing Code*

### **1.3 What is a billing code and how do I get one?**

The Government Printing Office (GPO) assigns each agency that publishes in the *Federal Register* a billing code which GPO uses to bill your agency for printing costs. Your agency must identify an individual as your Printing Officer, the liaison between your agency and GPO for all billing matters. GPO gives your Printing Officer the billing code for your agency.

Your billing code must appear on each document submitted for publication in the *Federal Register*.

- Obtain your billing code from your agency Printing Officer.
- Type the billing code at the top of the first page of the original(s) and the certified copies of each document.
- Type a "P" (WordPerfect), "F" (Coded), or "U" (Uncoded or ASCII) after your billing code when submitting a disk with your document. (See chapter 5.)
- Remember that your billing code may change each year.

## *Headings*

### **1.4 What information should go in the headings section at the beginning of my proposed rule?**

Begin each proposed rule document with headings that identify your agency and the subject matter of your document. The headings of a proposed rule document also identify the CFR title and part your document proposes to amend. Present the headings for a proposed rule document in this format.

- Department Name.
- Subagency Name.
- CFR Citation.
- Agency Docket Number (optional).
- Regulation Identifier Number (RIN).
- Subject Heading.

**or**

- Agency Name.
- CFR Citation.
- Agency Docket Number (optional).
- Regulation Identifier Number (RIN).
- Subject Heading.

The "Department" and "Subagency" headings for a document must reflect the department and subagency names as shown in the CFR chapter the document that proposes to amend. If your agency is not a cabinet-level department, do not use a subagency heading.

If the CFR chapter is assigned to a subagency of a cabinet-level department, the department name must still appear in the document headings. (See example 1.)

The "CFR Citation" heading contains the number of the CFR title and the number of each part the document proposes to amend. Even if the document affects only one paragraph within a part, include that part number.

The "Agency Docket Number" heading is the internal file number your agency may assign. This heading is optional.

The "RIN Number" is assigned by the Regulatory Information Service Center and identifies each regulatory action listed in the Unified Agenda of Federal Regulatory and Deregulatory Actions.

The "Subject Heading" is a brief statement describing the document. You may use the CFR part heading if it describes the content of the document. However, use more specific information when the document amends several parts or when the part heading is too general.

Example 1: Headings for a proposed rule document from a cabinet-level department.

DEPARTMENT OF COMMERCE	Department Name
National Oceanic and Atmospheric Administration	Subagency Name
15 CFR Part 946	CFR Citation
RIN 0648-AI90	RIN Number
Coastal Energy Impact Program	Subject Heading

Example 2: Headings for a proposed rule document from a non-cabinet agency.

FEDERAL RESERVE SYSTEM	Agency Name
12 CFR Part 220	CFR Citation
[No. 85-959]	Agency Docket Number (Optional)
RIN 0648-FR22	RIN Number
Credit by Brokers and Dealers	Subject Heading

If you issue a follow-up document, duplicate the headings of the earlier document, and add a distinguishing phrase to the subject heading.

Example 3: Headings for a follow-up proposed rule document.

FEDERAL RESERVE SYSTEM	Agency Name
12 CFR Part 220	CFR Citation
[No. 85-959]	Agency Docket Number (Optional)
RIN 0648-FR22	RIN Number
Credit by Brokers and Dealers; Extension of Time for Comments	Subject Heading

If there are multiple agencies and CFR citations in the heading, see section 8.14.

### *Preamble*

#### **1.5 What are the preamble requirements for a document in the proposed rules category?**

Each agency document published in the proposed rules category of the *Federal Register* must contain a preamble. The preamble follows the subject heading of the document. It explains the basis and purpose of the regulatory text, but contains no regulatory text. It arranges basic information on the "who, what, where, when, and why" of a document for the reader's convenience. The preamble captions are:

- AGENCY:
- ACTION:
- SUMMARY:
- DATES:
- ADDRESSES:
- FOR FURTHER INFORMATION CONTACT:
- SUPPLEMENTARY INFORMATION:

These captions must appear in the order shown. An explanation and examples of what must appear within each caption follow.

## **AGENCY caption.**

The AGENCY caption states the "who" of a document by identifying the agency issuing it.

This caption usually repeats the name of the agency as carried in the document's headings. When the name of a subagency and cabinet-level department appear together, carry the subagency name first and then the department's commonly used acronym or shortened name. For organizational clarity, you may choose to include in this caption the name of an office which is not listed in the document's headings.

### **Example 4.**

AGENCY: Office of the Secretary, USDA.  
AGENCY: National Archives and Records Administration.  
AGENCY: Consumer Product Safety Commission.  
AGENCY: Environmental Protection Agency.  
AGENCY: National Park Service, Interior.  
AGENCY: Bureau of Public Debt, Fiscal Service, Treasury.

## **ACTION caption.**

The ACTION caption identifies the type of document. It does not summarize the substance of a document.

The following examples represent typical captions for a proposed rule document. Others are possible.

### **Example 5.**

ACTION: Proposed rule.  
ACTION: Proposed rule; extension of comment period.  
ACTION: Proposed rule; correction.  
ACTION: Proposed rule; notice of hearing (or meeting).  
ACTION: Proposed rule; withdrawal (or termination).  
ACTION: Notice of proposed rulemaking.  
ACTION: Advance notice of proposed rulemaking.  
ACTION: Petition for rulemaking.  
ACTION: Petition for rulemaking; denial.  
ACTION: Petition for rulemaking; withdrawal.  
ACTION: Proposed policy statement.  
ACTION: Proposed rule; availability of supplemental information.

## **SUMMARY caption.**

Under the SUMMARY caption you explain the "what," "why," and "effect" of the document. In the SUMMARY, you must answer these three questions:

- What action is being taken?
- Why is this action necessary?
- What is the intended effect of this action?

Use the following guidelines in preparing a SUMMARY.

- Use language a non-expert will understand.
- Describe what the document does, not how it affects the CFR.
- Refer to an act of Congress by the popular name of the act.
- Do not use legal citations.
- State what your document does; do not include regulatory history or extensive background.
- Do not include qualifications, exceptions, or specific details.
- Be brief.

You may not use the SUMMARY to prove a point or argue a case. Supporting information, details, discussion of the regulatory history, and precise legal citations are essential in an adequate preamble but do not belong in the SUMMARY. Extended discussion of the proposed rule belongs in the SUPPLEMENTARY INFORMATION section.

Example 6.

SUMMARY: The Coast Guard proposes to amend the uninspected vessel rules by requiring emergency position indicating radio beacons (EPIRBs). The Emergency Position Indicating Radio Beacons on Uninspected Vessels Requirements Act amends the shipping laws of the United States by requiring uninspected commercial vessels to have the number and type of EPIRBs prescribed by rule. These rules will ensure rapid and effective search and rescue during emergency situations.

## **DATES caption.**

The DATES caption presents the "when" of a document. Include the dates that are essential to the document.

Include the following dates, if appropriate:

- Comment deadlines.
- Extension of comment deadlines.
- Request for a hearing (or meeting) deadline.
- Public hearing (or meeting) dates.
- Other dates the public may need to know.

OFR computes and inserts dates tied to *Federal Register* publication or OFR filing using the "Table of Effective Dates and Time Periods." This table appears in the Reader Aids section of the

first *Federal Register* issue each month. In computing the date, we count the day after publication as the first day. When a date falls on a weekend or a Federal holiday, we use the next Federal business day. If we are to compute and insert a date, present the date as shown in example 7. We compute dates based **only** on OFR filing or publication in the *Federal Register*.

Example 7.

DATES: Submit comments on or before [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

Example 8.

DATES: The agency must receive comments on or before October 20, 199x.

A public hearing will be held at 9 a.m., October 9, 199x.

Submit requests to present oral testimony on or before October 2, 199x.

Place no more than four dates under the captions "DATES."

Example 9: Format in proposed rule with four dates.

DATES: The hearing dates are:

1. March 26, 199x, 9:30 a.m. to 5 p.m., Philadelphia, PA.
2. April 3, 199x, 9:30 a.m. to 5 p.m., Chicago, IL.
3. April 8, 199x, 9:30 a.m. to 5 p.m., Atlanta, GA.
4. April 15, 199x, 9:30 a.m. to 5 p.m., Denver, CO.

If you have more than four dates, place them in the SUPPLEMENTARY INFORMATION section of the preamble under a heading such as "Public Participation" or "Hearings." **This requirement generally does not apply to comment deadlines.**

Example 10.

DATES: See Supplementary Information section for hearing dates.

Do not include information other than dates in the DATES caption. Place any discussion of meeting agenda, content of material available for inspection, etc. in the SUPPLEMENTARY INFORMATION section.

Remember that DATES and ADDRESSES are separate captions. All date information must appear in the DATES caption.

## **ADDRESSES caption.**

The ADDRESSES caption contains the "where" of the document. Include any address that the public needs to know. You may include addresses for:

- Mailing public comments.
- Hand-delivering public comments.
- Attending a public hearing (or meeting).
- Examining any material available for public inspection.

Do not include information other than addresses in the ADDRESSES caption. Place any discussion of how to submit comments, how to register for a meeting, meeting agenda, content of material available for inspection, etc. in the SUPPLEMENTARY INFORMATION section. If you are accepting electronic comments, place electronic addresses in the ADDRESSES section, and detailed requirements in the SUPPLEMENTARY INFORMATION section. (See examples 15 and 16.)

Place no more than four addresses under the caption "ADDRESSES."

Example 11: Format in proposed rule with four addresses.

ADDRESSES: The hearing locations are:

1. Philadelphia -- Ramada Inn (Meadows Ballroom, Section A & B), 76 Industrial Highway, Essington, PA 19029.

2. Chicago -- O'Hare Ramada Inn (Penthouse Ballroom, 9th Floor), 6600 Mannheim Road, Des Plaines, IL 60018.

3. Atlanta -- Ramada Inn Central (Georgian Ballroom), I-85 at Monroe Drive, Atlanta, GA 30324.

4. Denver -- Main Post Office Building (2nd Floor Auditorium, Room 269), 1823 Stout Street, Denver, CO 80202.

If you have more than four addresses, place them in the SUPPLEMENTARY INFORMATION section of the preamble under a heading such as "Public Participation" or "Hearings."

Example 12.

ADDRESSES: See Supplementary Information section for hearing addresses.

Remember that ADDRESSES and DATES are separate captions. All address information must appear in the ADDRESSES caption.

Example 13.

ADDRESSES: Address all comments concerning this proposed rule to Nell C. Commentary, Commissioner, Rehabilitation Services Administration, Mary E. Switzer Building, Room 3325, 330 C Street SW., Washington, DC 20202-2735.

Send a copy of any comments that concern information collection requirements to the Office of Information and Regulatory Affairs, OMB, Room 3002, New Executive Office Building, Washington, DC 20503; Attention: Daniel J. Information.

Example 14.

ADDRESSES: Mail comments and requests to testify to Hearing Clerk, Room 000, Department of XXXXX, Washington, DC 20000; the hearing will be held in Room 000, 000 Independence Avenue, SW., Washington, DC.

Place detailed information about electronic access and filing in the SUPPLEMENTARY INFORMATION section of the preamble under a heading such as "Electronic Access and Filing Addresses."

Example 15.

ADDRESSES: Submit electronic comments and other data to oppdocket@epamail.epa.gov. See SUPPLEMENTARY INFORMATION for file formats and other information about electronic filing.

Example 16.

SUPPLEMENTARY INFORMATION:

\* \* \* \* \*

[Asterisks Indicate Text Not Reprinted.]

Electronic Access and Filing

You may submit comments and data by sending electronic mail (E-mail) to: oppdocket@epamail.epa.gov.

Submit comments as an ASCII file avoiding the use of special characters and any form of encryption. The OPP also accepts comments and data on disks in WordPerfect 5.1 file format or ASCII file format. Identify all comments and data in electronic form by the docket number [PP 4F4327/R2253]. You may file electronic comments on this proposed rule online at many Federal Depository Libraries. File an electronic copy of objections and hearing requests with the Hearing Clerk at: oppdocket@epamail.epa.gov.

## **FOR FURTHER INFORMATION CONTACT caption.**

Under the FOR FURTHER INFORMATION CONTACT caption, you must include the name and telephone number of a person within your agency who can answer questions about the document. You may list two or more persons to contact concerning different aspects of a document.

Example 17.

FOR FURTHER INFORMATION CONTACT: John Regwriter, 202-000-0000.

**or**

FOR FURTHER INFORMATION CONTACT:

Technical information: John Regwriter, 202-000-0000.

Legal information: Mary Regulatory, 202-000-0001.

## **SUPPLEMENTARY INFORMATION caption.**

In this section, include the regulatory history of this rulemaking proceeding. You should present the background information and detail necessary to give adequate notice of the issues to be commented on as required by the Administrative Procedure Act. Present this information in language that the reader can easily understand, with descriptive headings to highlight and organize topics. If a reference to the *Federal Register* or Code of Federal Regulations is necessary, use the format shown in examples 66 and 67.

You may use the SUPPLEMENTARY INFORMATION section to provide additional information that is required by law, agency policy, or Executive order.

Answering some of these questions may help you draft your SUPPLEMENTARY INFORMATION.

- What law or directive authorizes the rulemaking?
- What existing regulations address the problem?
- What problem does the rulemaking address?
  - What issues are connected with the problem?
  - What facts, surveys, or studies identify and define the problem?
- How does this rulemaking attempt to solve the problem?
  - Were other solutions considered?
  - Why was this solution chosen?
  - Is this solution cost-effective?
  - How will this solution affect the regulated parties?

- Does this rulemaking contain penalties for noncompliance?
  - Are penalty provisions essential?
  - Can the requirements be monitored?
  - Can the penalty provisions be enforced?
- Have you identified other documents in this rulemaking, and included their *Federal Register* citations? (See example 66.)
  - Did you publish an Advance Notice of Proposed Rulemaking?
  - Have you announced meetings or hearings?
- Have you discussed all necessary regulatory analysis and review requirements?
- What other statutes apply to this rulemaking?
- How will public participation be handled?
  - Are there special instructions for mailing public comments?
  - Are there formal or informal hearings?
  - Are there procedures for requesting a public hearing?
  - Are there any instructions for filing comments or making oral presentations?
  - Will transcripts of the hearing be made available?
- Have you used subject headings to break up a lengthy SUPPLEMENTARY INFORMATION section? For example:
  - Background.
  - Statutory authority.
  - Request for comments.
  - Related documents.
  - Topical headings.
  - Drafting information.
  - Public participation.

### *List of Subjects*

#### **1.6 What is the List of Subjects and what am I required to do with it?**

Each proposed rule document must contain a list of index terms (List of Subjects) for each CFR part number cited in the document's heading. These terms are contained in the "Federal Register Thesaurus of Indexing Terms," available at <http://www.nara.gov/fedreg/>, under "Document Drafting Resources." The terms provide a common vocabulary for indexing the rulemaking documents of all agencies and are the basis of the "CFR Index" prepared by the OFR. We will provide you with a list of appropriate terms for its existing CFR parts. For new CFR parts, you should select appropriate terms from the Thesaurus. You may include additional terms not contained in the Thesaurus for either existing or new CFR parts as long as you also include appropriate Thesaurus terms. When you select a term that is not in the Thesaurus, ask yourself, "Would I search for the subject matter using this term?"

The List of Subjects is the last item in the SUPPLEMENTARY INFORMATION section of the preamble. Put the List of Subjects terms in alphabetical order and separate them with commas. Capitalize only the first word of each term. End the terms with a period. (See example 18.)

You do not need a list of subjects for a document that:

- Has no regulatory text.
- Only presents nomenclature changes.
- Corrects a previous document.

You must include all the established Thesaurus terms for a part that you are removing from the CFR. A List of Subjects is set out separately for each CFR part affected. (See example 19.) However, if the terms used are identical for several CFR parts, you may consolidate. (See example 19.)

Example 18: List of subjects in a document citing a single CFR part.

List of Subjects in 40 CFR Part 262

Hazardous waste, Imports, Labeling, Packaging and containers, Reporting and recordkeeping requirements.

Example 19: List of subjects in a document citing two or more CFR parts.

List of Subjects

15 CFR Part 370

Administrative practice and procedure, Exports.

15 CFR Parts 372 and 386

Exports, Reporting and recordkeeping requirements.

## *Words of Issuance*

### **1.7 What are "words of issuance"?**

The words of issuance provide:

- The tie between this proposed rule and the CFR units that could be affected.
- The bridge between the preamble of this document and the regulatory changes that it proposes.

Words of issuance are always in the present tense.

Example 20.

For the reasons stated in the preamble, the Federal Energy Regulatory Commission proposes to amend 18 CFR chapter I as set forth below:

For the reasons discussed in the preamble, the Nuclear Regulatory Commission proposes to amend 10 CFR part 430 as follows:

## *Regulatory Text*

### **1.8 What do I include in the regulatory text?**

Regulatory text is the section of your document that sets out your agency's proposed changes to the CFR. It can include:

- Headings.
- Table of Contents.
- Authority citation.
- Numbering of rules.
- Amendatory language.
- Asterisks.
- Cross-references.

### **1.9 Headings.**

Provide a heading for each part, subpart, section, and appendix that you propose to amend. You may use a heading for a paragraph. A heading is a brief statement that accurately describes the content of the CFR unit. A change in the heading requires an amendment to the CFR.

Example 21: Headings in regulatory text.

PART 970--DEEP SEABED MINING  
REGULATIONS FOR EXPLORATION  
LICENSES

Part

Subpart A--What Applications Must I  
complete to Obtain My Exploration  
Licenses?

Subpart Heading (Optional)

§970.103 Which deep seabed mining  
activities are prohibited and which  
ones are restricted?

Section

**Part.** Each part heading should contain subject terms that identify the agency's rules in a manner consistent with the terms used by other agencies to identify similar material. The OFR has developed a thesaurus of subject terms that we use to index the CFR and related publications. Use the Thesaurus to obtain subject terms that identify the content of the proposed rule document, and use the appropriate subject terms in the part heading.

**Subpart.** You may use subpart headings to separate ideas within a part. Subparts are not required.

**Undesignated Center Heading.** You may use undesignated center headings to break up a large subpart and group together sections concerning a particular subject area. Undesignated center headings are not required.

**Appendix.** An appendix may appear at the section, subpart, or part level. Designate each appendix with a capital letter, identify whether it belongs to a section, subpart, or part, and give it a descriptive heading. Do not carry the heading for an appendix to a section in the table of contents. If your agency has established a uniform designation system for its appendices, follow the established system. (See chapter 7.)

Example 22: Appendix headings.

Appendix B to Subpart A of Part 915 -- Illustrations of Infant Highchair Designs

Appendix A to §315.2 --Model Air Pollution Control Plan

Appendix A to Part 2 -- Flammability Statistics for Floor-Cleaning Fluids

**Section.** Descriptive section headings are signposts for the reader. They help readers identify the particular regulatory text that applies to them. End each section heading with a period or question mark.

**Paragraph.** You may use headings at the paragraph level. Be consistent. If you use a heading for one paragraph, be sure to use a heading for all paragraphs at that level. End paragraph headings with a period and underline them in the document. In the *Federal Register*, the underlined headings are printed in italics.

### **1.10 Table of contents.**

You need a table of contents for a document that:

- Adds a new part or subpart, or
- Revises an existing part or subpart.

Include the following in your table of contents:

- Section headings,
- Subpart headings,
- Undesignated center headings, and
- Appendix headings to parts and subparts.

Table of contents entries are identical to the section headings, subpart headings, undesignated center headings, and appendix headings in the regulatory text. Do not list paragraph headings or appendix-to-section headings in the table of contents.

Do not provide a table of contents in a document that adds or amends a single section or miscellaneous sections. We change the table of contents when these amendments are included in the CFR.

## 1.11 Authority citation.

You must cite the authority that authorizes your agency to change the CFR. Give the authority citation in the shortest form. Placement of the authority citation depends on what unit of the CFR you are amending.

There are two types of authority:

- Statutory:
  - Public law.
  - United States Code.
- Nonstatutory:
  - Presidential Executive order.
  - Presidential Administrative order.
  - Presidential Memorandum.
  - Agency delegation, policy, or directive.
  - Office of Management and Budget circular.
  - CFR regulations.

Your agency is responsible for maintaining accurate and current authority citations.

Present the authority citation at one of two central places:

- Part level, or
- Subpart level.

You may give citations of authority for particular subparts and sections within the central authority citation. (See examples 23 and 24.)

### Example 23.

Authority: 42 U.S.C. 2201; 45 U.S.C. 5841.  
Subpart A also issued under 5 U.S.C. 552; 31 U.S.C. 9701.  
Subpart B also issued under 5 U.S.C. 552a.  
Subpart C also issued under 5 U.S.C. 552b.

### Example 24.

Authority: 42 U.S.C. 2111, 2112, 2201, 2232, 2233, 2236, 2282, 5841, 5842, 5846.  
Section 30.7 also issued under 42 U.S.C. 5851.  
Section 30.34(b) also issued under 42 U.S.C. 2234.  
Section 30.61 also issued under 42 U.S.C. 2237.

## Statutory authority.

Each citation of statutory authority must use the United States Code citation, if one exists. To determine the United States Code citation, use one of the following:

- The current edition of the United States Code or its supplement.
- The slip law, for recently signed public laws.

Example 25.

Authority: 44 U.S.C. 2101-2118; 50 U.S.C. 6909.

We generally recommend that you use only the United States Code citation. (See example 25.). When a United States Code citation does not exist (for example, for appropriations laws), you must cite the section of the public law, if appropriate, the public law, and the U.S. Statutes at Large. Do not cite the popular name of a public law. (See example 26.)

Example 26.

Authority: Sec. 8067, Pub. L. 98-473, 98 Stat. 1937.

If you choose to cite the public law and the U.S. Statutes at Large in addition to the United States Code, present them in the order shown in example 27.

Example 27.

Authority: Sec. 8, Pub. L. 98-328, 82 Stat. 470 (34 U.S.C. 21).

If you cite two different laws where one has a United States Code citation and the other does not, place the United States Code citation first. (See example 28.)

Example 28.

Authority: 42 U.S.C. 2996; Pub. L. 104-208, 110 Stat. 3009; Pub. L. 104-134, 110 Stat. 1321.

## Nonstatutory authority.

Cite nonstatutory authority by document designation, *Federal Register* citation, and CFR citation. (See example 29.)

Example 29.

Authority: E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306; 5 CFR 2635.105.

If you include both statutory and nonstatutory citations in the same authority citation, place the statutory citation first. (See example 30.)

Example 30.

Authority: 8 U.S.C. 1161(f); 29 U.S.C. 1801-1872; Secretary's Order 6-84, 49 FR 32473.

If you need to deviate from the standard authority citation format, submit a letter requesting the deviation and explaining the need to the Director of the Federal Register.

### **Placement of the authority citation.**

**Whole CFR part.** If a document adds or revises an entire CFR part, place the authority citation directly after the table of contents and before the regulatory text. (See example 31.)

Example 31.

PART 54--ALLOTMENTS FOR CHILD AND SPOUSAL SUPPORT

Sec.

54.1 Purpose.

54.2 Applicability and scope.

54.3 Definitions.

54.4 Policy.

54.5 Responsibilities.

54.6 Procedures.

Authority: 15 U.S.C. 1673; 37 U.S.C. 101; 42 U.S.C. 665.

**CFR section.** If a document amends only certain sections within a CFR part, set out the authority citation for the part as the **first numbered item** in the list of amendments for the part. (See examples 32 and 33.)

Example 32.

PART 4--SERVICES TO THE PUBLIC

1. The authority citation for part 4 is revised to read as follows:

Authority: 44 U.S.C. 1508.

Example 33.

PART 4--SERVICES TO THE PUBLIC

1. The authority citation for part 4 continues to read as follows:

Authority: 44 U.S.C. 1502.

**Subparts.** If a document adds or revises an entire subpart, using the **same** authority citation as the CFR part, set out the authority citation for the part as the first numbered item in the list of amendments for the part. (See examples 32 and 33.)

If a document adds or revises an entire subpart using a **different** authority citation, set out the authority citation for the subpart directly after the heading to the subpart and before the regulatory text of the subpart. (See example 34.)

Example 34.

Subpart B--Supportive Services for  
Minority, Disadvantaged, and Women  
Business Enterprises

Table of Contents

Sec.  
230.201 Purpose.  
230.202 Definitions.  
230.203 Policy.

Subpart B--Supportive Services for  
Minority, Disadvantaged, and Women  
Business Enterprises

Subpart Heading

Authority: 23 U.S.C. 101, 140(c),  
304, 315; 49 CFR 1.48(b).

Subpart B Authority Citation

§230.201 Purpose.

Text of Section

This subpart prescribes the policies,  
procedures, and guidance to develop, conduct,  
and administer supportive services assistance  
programs for minority, disadvantaged, and  
women business enterprises.

\* \* \* \* \*

[Asterisks Indicate Text Not Reprinted.]

**Parts removed.** If you propose to remove a part, you must give your agency's authority for the action. Place the authority in the "words of issuance." (See examples 35 and 36.)

Example 35.

Accordingly, under the authority 10 U.S.C. 8013, the XXX Agency proposes to amend XX CFR chapter VII by removing part 837.

Example 36.

Under 42 U.S.C. 541 and as discussed in the preamble, the Department of the XXX proposes to amend XX CFR chapter II as follows:

### 1.12 Numbering of rules.

The regulatory text of your document must conform with the structure of the CFR.

**Code of Federal Regulations structure.** The basic structure of the CFR consists of a hierarchy of designated CFR units. The CFR numbering system is **not** based on a decimal numbering system. The following table illustrates the CFR structure.

CFR Unit	CFR Designation	Description
Title	12	Broad area subject to Federal regulation
Chapter	III	Rules of a single issuing agency
Part	303	Unified body of rules concerning a single function or specific subject
Section	303.1	Short presentation of one regulatory function. The section is the basic unit of the CFR. The content of a section is a short, simple presentation of a single regulatory function.

Each section number includes the number of the part followed by a period and a sequential number.

Example 37: Section number.

§25.1.

Hyphenated numbers (§117-2.1 or §117-3.15) or numbers with alpha characters (part 115a, §115a.1, or §115.1a) are not permitted in designating units within the CFR system.

The Director of the OFR must approve any deviation from standard CFR structure. Submit a request for approval in writing before you begin drafting.

**Paragraph structure of a section.** If you have more than one paragraph, designate each one as show in example 38. Indent each designated paragraph within a section.

The paragraph structure within a section allows six levels of designation. **We strongly recommend that you do not use more than 3 paragraph levels.** Use of more than 3 paragraph levels makes your rule hard to read and use. Use more sections as a drafting technique to avoid using excessive paragraph levels. Use the paragraph structure chart in example 38.

Sections consisting of a single paragraph or the introductory text of a section do not require a designation. However, we no longer permit an undesignated concluding paragraph.

Indicate italics by underlining in a typewritten document.

Example 38: Paragraph structure of a section.

level 1	(a), (b), (c), etc.
level 2	(1), (2), (3), etc.
level 3	(i), (ii), (iii), etc.
level 4	(A), (B), (C), etc.
level 5	( <u>1</u> ), ( <u>2</u> ), ( <u>3</u> ), etc.
level 6	( <u>i</u> ), ( <u>ii</u> ), ( <u>iii</u> ), etc.

**Definitions.** For a discussion of definitions, see section 8.15.

**Notes.** Label notes in CFR text to show whether they apply to the whole section or to the preceding paragraph. (See example 39.)

Example 39.

Note to §30.1.  
Note to paragraph (f).  
Note to paragraph (b)(2).

### 1.13 Amendatory language.

A proposed rule document usually proposes to make changes or additions to the CFR. The regulatory text of a document must fit into the current text of the CFR. You should precisely identify and describe the changes made to the CFR. While the words of issuance describe the general effect of the document, the amendatory language uses standard terms to give specific instructions on how to change the CFR. Do not include in the amendatory language a discussion of why the changes are made. This belongs in the SUPPLEMENTARY INFORMATION section.

Your agency's current CFR text is not necessarily what appears in the latest edition of the CFR, since your agency publishes changes to the CFR in the daily *Federal Register*.

The "List of CFR Sections Affected" (LSA) is a cumulative **monthly** numerical index to rules and proposed rules. Use it to determine if any changes have been made since the revision date of your CFR. The "CFR Parts Affected" is a cumulative **daily** numerical index to rules and proposed rules published in the Reader Aids section of the *Federal Register*. Use it to check for changes in any month not covered by the LSA.

Before you begin drafting amendatory language, consult the latest version of the CFR and the LSA, and the latest *Federal Register* for any month not covered by your LSA. This gives you the current and official version of the CFR regulations you are changing.

Base amendatory language on the current text of a rule. You must:

- Identify the specific CFR unit being changed.
- Place amendments in CFR numbering order.
- Use one of the standard terms to describe the change.
- Address all regulatory text set out in your document.

For extensive changes, revise the text in full rather than prepare fragmentary amendments. The reader will then have the complete text of the amended unit.

Don't use the word "proposed" in each amendatory instruction. Use it only in the words of issuance. (See section 1.7.)

## Use of “Amend.”

"Amend" means that an existing CFR unit is changed. Because it is an introductory term, it cannot stand alone. Use it with one of the specific amendatory terms to precisely describe the change to the CFR unit.

Example 40: Amend.

Amend §791.27 to revise paragraph (b)(3) and to add paragraph (d)(4) to read as follows:

## Specific amendatory terms.

Use the following terms in amendatory language. Each term is a precise instruction to change a CFR unit.

- Add.
- Redesignate.
- Remove.
- Republish.
- Reserve.
- Revise.
- Withdraw.

**Add.** "Add" means that a new CFR unit is inserted in the CFR.

Example 41: Add.

Add part 1812 to read as follows:

Add §5.26 under the undesignated center heading "How To Apply For a Permit" to read as follows:

Add §20.89 to subpart H to read as follows:

In §18.13, add paragraph (e) to read as follows:

Add new paragraph (f)(5) to §210.14 to read as follows:

Add §4.8(a)(3)(iii) to read as follows:

**Redesignate.** "Redesignate" transfers a CFR unit to a vacant position and assigns a new designation. A redesignation table may also be used.

Example 42: Redesignate.

PART 80 [REDESIGNATED AS PART 90 AND AMENDED]

2. Redesignate part 80 as part 90 and amend the references as indicated in the table below:

3. In §100.5, redesignate paragraphs (a) through (c) as paragraphs (d) through (f) and add new paragraphs (a) through (c) to read as follows:

4. Redesignate part 20 as part 30 and revise it to read as follows:

§§226.3 through 226.5 [Removed]

§§226.6 through 226.8 [Redesignated as §§226.3 through 226.5]

5. Remove §§226.3 through 226.5 and redesignate §§226.6 through 226.8 as §§226.3 through 226.5, respectively.

§45.3 [Amended]

6. In §45.3, redesignate paragraphs (a) through (c) as paragraphs (a)(1) through (a)(3). In redesignated paragraph (a)(1), further redesignate paragraphs (1) and (2) as paragraphs (a)(1)(i) and (ii).

**Remove.** "Remove" means that an existing CFR unit is being taken out of the CFR.

Example 43: Remove.

§300.12 [Removed]

Remove §300.12.

§495.73 [Amended]

In §495.73, remove paragraphs (a)(5) and (e).

**Republish.** "Republish" means that an unchanged CFR unit is set out for the convenience of the reader, often to provide the context for an amendment. Therefore, you must present the republished text accurately.

Example 44: Republish.

In §2.1, the introductory text of paragraph (a) is republished and paragraphs (a)(1) and (a)(3) are revised to read as follows:

**Reserve.** "Reserve" is a term used to fill in gaps in CFR numbering. Removing a subpart or a paragraph may leave a gap which could confuse the reader. To avoid confusion in your

amendatory language, you should remove and reserve the subpart or paragraph. (See example 45.)

Example 45: Reserve (when removing a CFR unit).

Subpart Q--[Removed and Reserved]

Remove and reserve subpart Q, consisting of §§103.10 through 103.25.

You may also use "reserve" when adding or revising a CFR unit to indicate where future text will be added. (See example 46.)

Example 46: Reserve (when adding or revising a CFR unit).

Add and reserve subpart E and add subpart F, consisting of §§25.100 through 25.130, to read as follows:

**Revise.** "Revise" means that an existing CFR unit is replaced in its entirety. It is important that you specifically identify the CFR unit being revised.

Example 47: Revise.

Revise part 105 to read as follows:

Revise §80.100(e)(1)(iii) to read as follows:

In §15.4, revise paragraph (b) and the introductory text of paragraph (f)(2) to read as follows:

**Withdraw.** "Withdraw" indicates that a previously published proposed rule will not be issued as a final rule and will not become effective or enforceable.

### **Addition or revision of a part or subpart.**

**Parts.** If you add or revise a part, use these elements in the order shown. (See example 48.)

- Amendatory language.
- Part heading.
- Table of contents.
- Authority citation.
- Regulatory text.

**Subparts.** If a part has a single authority citation at the end of the table of contents and you want to add or revise a subpart in that part, use these elements in the order shown:

- Part heading.
- Authority citation for the part.
- Amendatory language.
- Subpart heading.
- Table of contents.
- Regulatory text.

**or**

If each subpart in a part has its own authority citation and you want to add or revise a subpart in that part, use these elements in the order shown:

- Part heading.
- Amendatory language.
- Subpart heading and table of contents.
- Subpart heading.
- Authority citation for the subpart.
- Regulatory text.

Example 48: Revision of a part.

Revise part 3 to read as follows:	Amendatory Language
PART 3--SERVICES TO THE PUBLIC	Part Heading
Sec. 3.1 Information services. 3.2 Public inspection of documents. 3.3 Reproduction and certification of copies of acts and documents.	Table of Contents
Authority: 44 U.S.C. 1506; sec. 6, E.O. 10530 , 19 FR 2709, 3 CFR, 1954-1958 Comp., p.189.	Authority Citation
<u>§ 3.1 Information services.</u>	Regulatory Text
(a) The Office of the Federal Register (OFR) provides information on:	
(1) Publications in §2.5 of this chapter; and	

(2) Original acts and documents filed with the OFR.

(b) The OFR cannot provide excessive information or do extensive research.

(c) The staff may not summarize or interpret substantive text of any act or document.

### § 3.2 Public inspection of documents.

(a) During the OFR's office hours, documents filed with the OFR pursuant to law are available for public inspection at 800 North Capitol Street, NW., Suite 700, Washington, DC. There are no formal inspection procedures or requirements.

(b) By direction of the Director of the Office of the Federal Register, the OFR staff must file for public inspection documents received and processed not later than the working day preceding the publication day for that document.

(c) By direction of the Director of the Office of the Federal Register, the OFR staff must place on the original and certified copies of each document a notation of the day and hour when it was filed and made available for public inspection.

(d) Customers may view, photocopy, or make excerpts of documents on public inspection.

### § 3.3 Reproduction and certification of copies of acts and documents.

The regulations for the public use of records in the National Archives and Records Administration (36 CFR parts 1252 through 1258) also govern the furnishing of reproductions of acts and documents and certificates of authentication for them. Section 1258.14 of those regulations provides for the advance payment of appropriate fees for reproduction services and for certifying reproductions.

## **Amendment to a section.**

If you amend a section, use these elements in the order shown:

- Part heading.
- Authority citation.
- Amendatory language.
- Section heading.
- Regulatory text.

If you add or revise a section, use the format shown in example 49.

If you add a section to a part which contains subparts or undesignated center headings, identify the subpart or undesignated center heading which will contain the new section.

Example 49: Revision of a section.

PART 133--TOLLS FOR USE OF CANAL

Part Heading

1. The authority citation for part 133 is revised to read as follows:

Authority Citation

Authority: 22 U.S.C. 3791; E.O. 12215, 45 FR 36043, 3 CFR, 1980 Comp., p. 257.

2. Section 133.34 is revised to read as follows:

Amendatory Language

§133.34 What are the tolls for vessels in ballast?

Section Heading

In order for a vessel to secure the reduced rate of toll for vessels in ballast, it may not carry any passengers or cargo nor any fuel for its own consumption in a quantity which exceeds:

Regulatory Text

(a) 125 percent of the volume of its engine room as measured and as shown on its Panama Canal tonnage certificate; or

(b) The spaces on the vessel which are available for the carriage of fuel.

**Multiple Amendments.** Describe **all** changes to one section in a single instruction, and display changed text for the section immediately following the instruction. (See instruction 2 in example 51.) If there are many changes to one section, use a list format. (See example 50.)

Example 50.

§941.103 [Amended]

3. Amend §941.103 as follows:

a. Remove the definitions of "Allocation area", "Application", "Central city allocation area", "Community", "Field Office", "Housing Assistance Plan", "Household type", and "Housing type";

b. Remove the parenthetical phrase "(in the form prescribed by HUD)" from the definition "Construction Contract" and "Contract of sale"; and

c. Remove from the definition of "Total development cost (TDC)" the term "The Field Office" and add in its place the term "HUD", and remove from that definition the parenthetical sentence at the end.

When there are changes to several sections, use separate numbered instructions for each section, and display the changed text for each section after the instruction. (See instructions 2 through 4 in example 51.)

Example 51: Changes to several sections.

PART 1258--FEES

1. The authority citation for part 1258 continues to read as follows:

Authority: 44 U.S.C. 2116(c).

2. Amend §1258.2 by revising paragraphs (a) and (c)(3) to read as follows:

§1258.2 Applicability.

(a) Except as stated in this section, fees for the reproduction of NARA administrative records, archival records, donated historical materials, and records filed with the Office of the Federal Register are in §1258.12.

\* \* \* \* \*

(c) \* \* \*

(3) Motion picture, sound, and video recording materials are among the holdings of the National Archives and Records Administration. Obtain prices for reproduction of these materials from the Motion Picture and Sound and Video Branch, National Archives and Records Administration, Washington, DC 20408.

\* \* \* \* \*

3. Amend §1258.4 by revising paragraph (b) to read as follows:

§1258.4 Exclusions.

\* \* \* \* \*

(b) When NARA wishes to disseminate information about its activities to the general public through press, radio, television, and newsreel representatives;

\* \* \* \* \*

4. Amend §1258.10 by revising paragraph (a) to read as follows:

§1258.10 Mail orders.

(a) The agency charges a minimum fee of \$6.00 per order for reproductions it mails to the customer.

\* \* \* \* \*

Group all amendments to the same CFR unit together in one instruction. (See examples 52 and 53.)

Example 52.

Revise paragraphs (a), (d), (e), and (n) of §150.5 to read as follows:

Example 53.

Remove and reserve §§33.1, 33.5 and 33.10.

**Introductory text.** If you revise the introductory text of a section or a paragraph, and not the whole section or paragraph, specify the introductory text. (See example 54.)

Example 54.

In §1020.3, revise paragraph (a) introductory text, paragraphs (a)(1) and (a)(4) to read as follows:

§1020.3 What are the qualifications and duties of the Small Business Ombudsman?

(a) The Chairman will appoint a senior, full-time Commission employee as Small Business Ombudsman. The Ombudsman must:

(1) Know the Commission's statutes and regulations;

\* \* \* \* \*

(4) Perform the Ombudsman duties in addition to, and consistently with, other Commission responsibilities.

\* \* \* \* \*

## 1.14 Asterisks.

If you add or revise only certain units of a section, the amendatory language must state exactly which units are added or revised, and only those units are printed. Use asterisks to represent text which is not changed.

**Use of 5 asterisks.** Use 5 asterisks to show that a whole paragraph, including its subordinate paragraphs, is unchanged.

In example 55, the 5 asterisks before revised paragraph (d) show that paragraphs (a), (b) and (c) remain unchanged. The 5 asterisks that follow revised paragraph (d) show that the remaining text in the section is also unchanged.

Example 55: Use of 5 asterisks.

Revise paragraph (d) of §166.15 to read as follows:

§ 166.15 State status.

\* \* \* \* \*

(d) The following States issue licenses under cooperative agreements with the Animal and Plant Health Inspection Service, but do not have primary enforcement responsibility under the Act: Kentucky, Maryland, Puerto Rico, Texas, and Washington.

\* \* \* \* \*

**Use of 3 asterisks.** Use 3 asterisks when you change text at a subordinate level. This shows that the higher level paragraphs remain unchanged.

In example 56, the 5 asterisks before paragraph (b) show that paragraph (a) remains unchanged. The 3 asterisks following “(b)” show that (b)(1) through (b)(4) remain unchanged, and the 3 asterisks following “(5)” show that the introductory text of (b)(5) is unchanged.

The 5 asterisks that follow revised paragraph (b)(5)(i) show that the remaining text in the section is unchanged.

Example 56: Use of 3 asterisks.

Revise §202.3(b)(5)(i) to read as follows:

§ 202.3 Registration of copyright.

\* \* \* \* \*

(b) \* \* \*

(5) \* \* \*

(i) The Library of Congress receives two complimentary copies promptly after publication of each issue of the serial.

\* \* \* \* \*

**We strongly recommend that you use no more than 3 paragraph levels.** Use of more than 3 paragraph levels makes your rule hard to read and use. (See the paragraph structure chart in example 38.)

**The smallest unit you may revise is a sentence.** When you revise only a sentence of a paragraph, use 3 asterisks to show that the remaining sentences in the paragraph are unchanged. (See example 57.)

Example 57.

Revise the first sentence of §416.916 to read as follows:

§ 416.916 What will happen if I fail to submit medical and other evidence?

You (and, if you are a child, your parent, guardian, relative, or other person acting on your behalf) must cooperate in furnishing us with, or in helping us to obtain or identify, available medical or other evidence about your impairment(s). \* \* \*

Example 58: Use of both 3 and 5 asterisks in the same document.

PART 216--REGULATIONS GOVERNING THE TAKING

Part Heading

AND IMPORTING OF MARINE MAMMALS

1. The authority citation for part 216 continues to read as follows:

Authority: 16 U.S.C. 1361-1407.

2. Revise paragraph (b)(1)(v), the first sentence of paragraphs (b)(3) and (c)(2), and paragraph (c)(4)(i) introductory text; and add paragraph (b)(1)(vi) to §216.24 to read as follows:

§ 216.24 Taking and related acts incidental to commercial fishing operations.

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \*

(v) Category 5: Other gear. Commercial fishing operations utilizing trolling, gill nets, hook and line gear, and any gear not classified under paragraphs (b)(1)(i) and (b)(1)(ii) of this section.

(vi) Category 6: Commercial passenger fishing vessel operation. Commercial fishing operations from a commercial passenger fishing vessel for the purpose of active sport fishing as defined in §216.3.

\* \* \* \* \*

Authority Citation

Amendatory Language

Section Heading

Indicates Paragraph  
(a) Unchanged

Indicates Paragraph  
(b) Introductory Text  
Unchanged

Indicates Paragraphs  
(b)(1) Introductory Text  
And (b)(1)(i) through (iv)  
Unchanged

Revises Paragraph  
(b)(1)(v)

Adds Paragraph  
(b)(1)(vi)

Indicates Paragraph  
(b)(2) Unchanged

(3) Submit the original and two copies of the application for general permit to the Assistant Administrator.\* \* \*

Revises First Sentence of Paragraph (b)(3)  
Indicates Remainder of Paragraph (b)(3)  
Unchanged

\* \* \* \* \*

Indicates Paragraphs (b)(4) through (7)  
Unchanged

(c) \* \* \*

Indicates Paragraph (c) Introductory Text and (c)(1) Unchanged

(2) Operator's certificate of inclusion.  
You must hold a valid operator's certificate of inclusion if you are the person in charge of and actually controlling fishing operations (after this referred to as the operator) on a vessel engaged in commercial fishing operations for which a Category 2 or Category 6 general permit is required under this subpart. You may not transfer this certificate. You have a valid certificate only for a vessel having a valid vessel certificate of inclusion for the same category. In order to receive a certificate of inclusion, the operator must satisfactorily complete required training. You must renew your operator's certificate of inclusion annually.

Revises Paragraph (c)(2).

\* \* \* \* \*

Indicates Paragraph (c)(3) Unchanged

(4) \* \* \*

Indicates Paragraph (c)(4) Introductory Text Unchanged

(i) Category 1, 3, 4, 5, and 6 applications:

Revises Paragraph (c)(4)(i) Introductory Text

\* \* \* \* \*

Indicates Remainder of Section Unchanged

## 1.15 Cross-references.

We permit you to cross-reference your own or another agency's rules in limited situations. If you are applying the referenced rules to current or future situations, you may only reference rules that are **currently in effect**.

If you must modify the referenced rules, you cannot use a cross-reference. You must publish the modified rules in full.

You may cross-reference the rules of another agency only if the reference meets any of the following conditions specified in 1 CFR 21.21:

- The reference is required by court order, statute, Executive order, or reorganization plan;
- The reference is to rules promulgated by an agency with the exclusive legal authority to regulate in a subject matter area, but the referencing agency needs to apply those rules in its own programs;
- The reference is informational or improves clarity rather than being regulatory;
- The reference is to test methods or consensus standards produced by a Federal agency that have replaced or preempted private or voluntary test methods or consensus standards in a subject matter area; or
- The reference is to the departmental level from a subagency.

When cross-referencing, you must identify the CFR unit being cited by the proper CFR unit designation in each reference. Do not use a nonspecific reference, such as "herein," "above," or "below." Example 59 illustrates the proper style for each common type of cross-reference.

Example 59: CFR cross-references.

References to a different TITLE

In title 6, when referencing title 1, chapter I	write ...	1 CFR chapter I
In title 6, when referencing title 1, chapter I, part 2	write ...	1 CFR part 2
In title 6, when referencing title 1, chapter I, part 2, §2.7	write ...	1 CFR 2.7
In title 6, when referencing title 1, chapter I, part 2, §2.7, paragraph (a)(2)	write ...	1 CFR 2.7(a)(2)

References within the same TITLE

In chapter I, when referencing chapter II	write ...	chapter II of this title
In part 100 (chapter I), when referencing part 300 (chapter III)	write ...	part 300 of this title
In §250.10 (chapter I), when referencing §300.19 (chapter III)	write ...	§300.19 of this title

References within the same CHAPTER

In part 20, when referencing part 30	write ...	part 30 of this chapter
In §20.10, when referencing subpart A of part 30	write ...	part 30, subpart A of this chapter
In §20.10, when referencing §30.19	write ...	§30.19 of this chapter

References within the same PART

In §20.5, when referencing subpart A of part 20	write ...	subpart A of this part
In §20.5, when referencing §20.15	write ...	§20.15
In §20.5, when referencing §20.15, paragraph (a)	write ...	§20.15(a)
In §20.5, when referencing Appendix A to part 20	write ...	Appendix A of this part

References within the same SECTION

In paragraph (a), when referencing paragraph (b)	write ...	paragraph (b) of this section
In paragraph (a), when referencing paragraph (b)(1)	write ...	paragraph (b)(1) of this section
In paragraph (a)(1), when referencing paragraph (a)(2)	write ...	paragraph (a)(2) of this section
In paragraph (a)(1)(i), when referencing paragraph (a)(1)(ii)	write ...	paragraph (a)(1)(ii) of this section

Example 60: Citing text within a section.

**Note.** For purposes of this example, we display citations in bold type. Do not do this in your document .

§ 233.17 Noncompliance and program reporting by the Director.

The Director must prepare quarterly and annual reports as detailed in **paragraphs (a) and (b) of this section** and must submit them to the Regional Administrator.

(a) Quarterly reports for State 404 programs. The Director must submit noncompliance reports for section 404 discharges specified under **§233.24(f)(1)(i) through (iv)** containing the following information:

(1) Name, location, and permit number of each noncomplying permittee; and

(2) A brief description and date of each instance of noncompliance, which must include the following:

(i) Any unauthorized discharges of dredged or fill material subject to the State's jurisdiction or any noncompliance with permit conditions; and

(ii) A description of investigations conducted and of any enforcement actions taken or contemplated.

(b) Annual report for State 404 programs. The State Director must submit an annual report assessing the cumulative impacts of the State's permit program on the integrity of State regulated waters. This report must include:

(1) The number and nature of individual permits issued by the State during the year;

(2) The number of acres for each of the categories of waters in **paragraph (b)(1) of this section** which were filled or which received any discharge of dredge material during the year;

(3) The number and nature of permits issued under emergency conditions, as provided in **§234.38 of this chapter**; and

(4) The approximate number of persons in the State discharging dredged or fill material under general permits and an estimate of the cumulative impacts of these activities.

## *Signature Block*

### **1.16 Who can sign my document?**

Your agency determines who may sign a document submitted for publication in the *Federal Register*.

The signer must sign in ink. (See section 8.5.) We recommend that the signer use blue ink. A signature in black ink is often difficult to distinguish from a photocopy.

Type the name and title of the person signing the document directly beneath the handwritten signature. (See example 61.)

When a person signs a document for another person, type the name and title of the person who actually signs the document beneath the signature. (See example 62.)

We will reject a document signed by one person for another. We will not accept your document if you sign someone else's name and you place your initials by the signature.

Example 61.

*Cynthia James*  
Cynthia James,  
Director.

Example 62.

*Thomas Shadwell*  
Thomas Shadwell,  
Deputy Director.

**or**

*Thomas Shadwell*  
Thomas Shadwell,  
Acting Director.

Do not place a signature block on a page by itself. Placing text on the signature page helps to ensure the integrity of the document.

You may place the signature block either at the end of the document (See example 63.) or between the preamble and the rest of the document. (See example 64.)

**Example 63.**

Preamble  
Text  
Signature

**Example 64.**

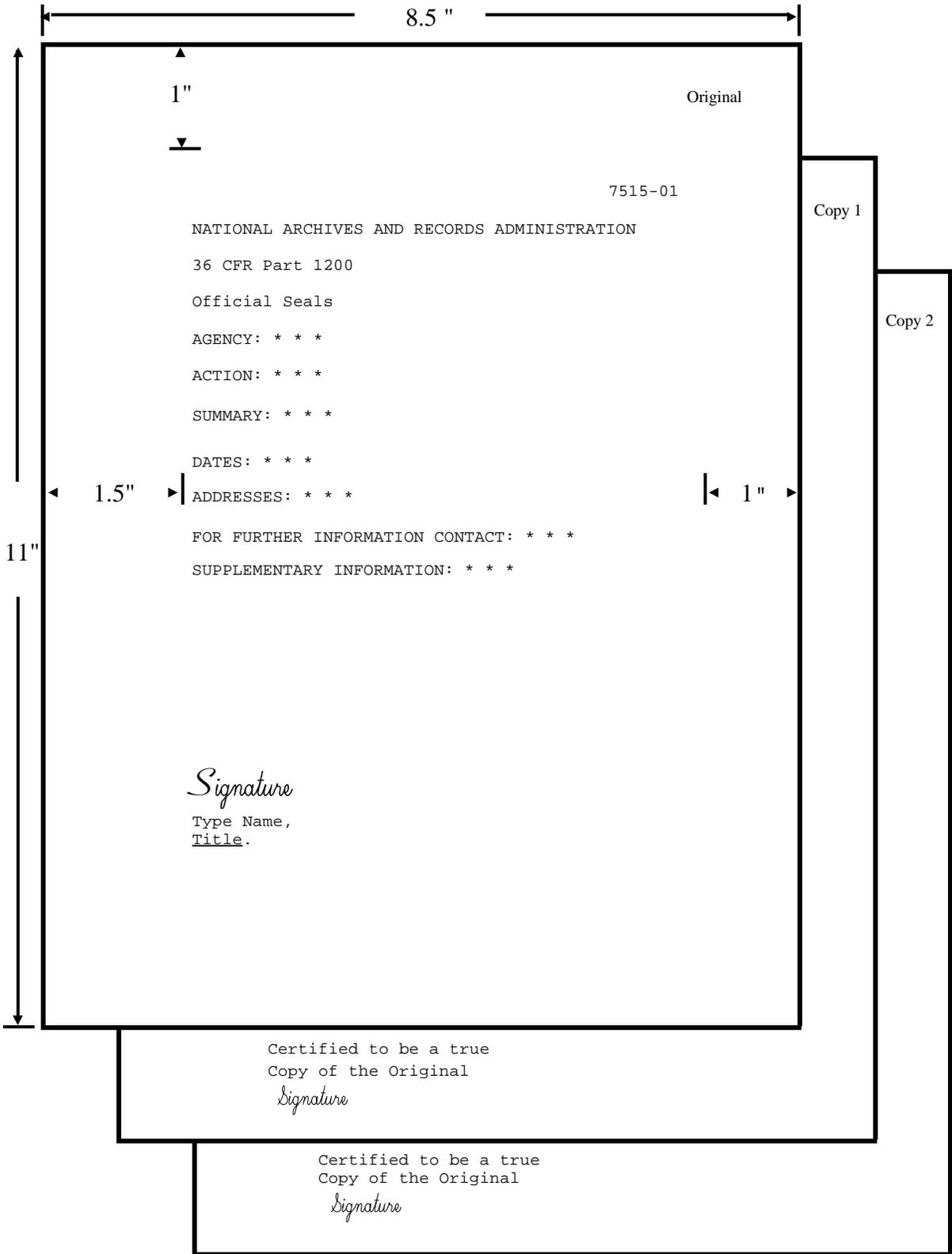
Preamble  
Signature  
Text

### **1.17 Do I need a signature date?**

We recommend but do not require a signature date. When you furnish one, use the date of actual signature. We will not accept a postdated signature or change a signature date. If there is a problem with a signature date, we will return your document to your Liaison Officer.

*Style and Format Requirements*

**1.18 What should my proposed rule document look like?**



**Capitals.** Type in all capital letters:

- The name of the agency or cabinet-level department (but not the name of the subagency) in the heading of a document.
- "FEDERAL REGISTER" in the parenthetical for dates that we are to compute.
- Preamble captions:

Example 65: Preamble captions.

AGENCY :

ACTION :

SUMMARY :

DATES :

ADDRESSES :

FOR FURTHER INFORMATION CONTACT :

SUPPLEMENTARY INFORMATION :

**Copies.** Provide legible copies.

**Correction or adhesive tape.** Do not use correction or adhesive tape.

**Double-spacing.** Type the text of your document double-spaced.

**Headings.**

- Type document headings centered or flush with the left margin.
- Type section headings:
  - Flush with the left margin.
  - Underlined.
  - On a line separate from the text of the section.
  - Using the § symbol.

**Margins.**

- One inch at the top, bottom, and right side.
- One and one-half inches on the left side.

**Page numbers.** Number the pages consecutively in one of the following places:

- Centered top.
- Centered bottom.
- Upper right-hand corner.

**Paper.** You must prepare your documents on 8½" × 11" white paper.

**Quotation marks.** Use quotation marks for names of books, journals, articles, and similar items.

**Quoted material.** Type quoted material:

- Single-spaced.
- Centered-block style.
- Without quotation marks.

**Single-sided copy.** You must type your document on one side only.

**Single-spacing.** Type the following single-spaced:

- Quoted material.
- Footnotes.
- Tables of contents.
- Examples.
- Tables.
- Notes to Tables.
- Authority citations.
- Notes.
- Formulas.

**Underlining.** Underlining instructs the printer to present material in italics. Use underlining for:

- Definitions. (Underline only the terms.)
- Paragraph headings.
- Scientific terms.
- Ordering statements.
- Court cases.
- The section heading in the text of the rule (the heading will appear in bold type in the *Federal Register*).
- Federal Register, when referring to the name of the publication (except type in all capital letters in the parenthetical for dates that we are to compute).

Do not use underlining for:

- Emphasis.
- Names of books.
- Foreign phrases.

## **Abbreviations.**

Use the following abbreviations in the *Federal Register*.

- FR is *Federal Register*. (Do not use Fed. Reg. or F.R.) (See example 66.)
- CFR is Code of Federal Regulations. (Do not use C.F.R.) (See example 67.)

- U.S.C. is United States Code.
- Pub. L. is Public Law. (Do not use P.L.)
- Stat. is U.S. Statutes at Large.
- a.m. or p.m. is time designation.
- E.O. is Executive order.
- Proc. is Proclamation.
- sec. is section of a Public Law or the United States Code.

Use the abbreviations for "Pub. L.", "E.O.", and "Proc." only in the authority citation. All other times you must spell them out. (See examples 28 and 29.)

### **§ Symbol.**

Use the § symbol only for a CFR section and §§ symbol only for multiple sections. However, do not use a § symbol to begin a sentence; instead, spell out the word. Do not use the § symbol or the word "section" when the reference follows a title number and CFR as in 36 CFR 1200.1.

### **Style.**

Use the "U.S. Government Printing Office Style Manual" as a guide for punctuation, capitalization, spelling, compounding, and other style matters. You may obtain the GPO Style Manual from the Superintendent of Documents, Government Printing Office.

### **References.**

If your document relates to a previously published *Federal Register* document, you must cite the earlier document. A reference in a preamble to a previously published *Federal Register* document must identify the volume number, page number, and date of the issue in which the document appeared. (See example 66.)

Example 66: Reference to a previously published *Federal Register* document.

6x FR 12345, Jul. 23, 199x

A reference in a preamble to material contained in the CFR should identify the CFR title and part or section number. (See example 67.)

Example 67: Reference to material contained in the CFR.

36 CFR part 1200  
36 CFR 1200.1

## 1.19 Example of a proposed rule document.

7515-01

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Part 1254

RIN 3095-AA37

Use of NARA Research Rooms

AGENCY: National Archives and Records Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: The National Archives and Records Administration (NARA) proposes to amend its regulations on the use of personal equipment and other types of personal items that may be brought into research rooms in the National Archives and Records Administration Building and Washington National Records Center. We also propose to add procedures for use of the self-service high-volume copier in the NARA Building. These changes enhance the security of records being used by the public and ensure proper handling of records while they are being reproduced.

DATES: Submit comments on or before [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: Send comments to Director, Program Policy and Evaluation Division, National Archives and Records Administration, Washington, DC 20408.

FOR FURTHER INFORMATION CONTACT: Nan Archives, 202-000-0000.

SUPPLEMENTARY INFORMATION: This proposed rule is not a major rule for the purposes of Executive Order 12866. As required by the Regulatory Flexibility Act, NARA certifies that this proposed rule will not have a significant impact on small business entities.

List of Subjects in 36 CFR Part 1254

Archives and records.

For the reasons set forth in the preamble, NARA proposes to amend 36 CFR part 1254 as follows:

PART 1254--AVAILABILITY OF RECORDS AND DONATED HISTORICAL MATERIALS

1. The authority citation for part 1254 continues to read as follows:

Authority: 44 U.S.C. 2101-2118.

2. Add § 1254.26 to read as follows:

§ 1254.26 Additional rules for use of certain research rooms in the National Archives and Records Administration Building and the Washington National Records Center.

(a) You must follow these procedures for use of all archival research rooms in the National Archives and Records

Administration Building and in the Washington National Records Center except the Microfilm Research Room and the Motion Pictures Research Room in the National Archives and Records Administration Building. These procedures are in addition to the procedures specified elsewhere in this part.

(b) All researchers entering the National Archives and Records Administration Building must complete the Equipment Log at the guard's desk in the lobby in order to bring personal typewriters, tape recorders, cameras, etc., into the building. The guard uses the log as evidence of personal ownership and checks your equipment against the log to verify ownership of equipment before you can leave the building.

(c) Researchers must present a valid researcher identification card to the guard or research room staff on entering the building.

Dated: July 2, 199x.

*Signature*

Type name,

Title.

## **1.20 Checklist for proposed rule documents.**

Use the following checklist to review your proposed rule document before you submit it to us:

**Billing code.** Is the billing code at the top of the first page in the right-hand corner? (See sections 1.3, 1.18, and 1.19.)

**Headings.** Are the correct headings used? (See section 1.4.)

**Preamble.** Are all required elements of the preamble included? Does the SUMMARY answer all three questions? (See section 1.5.)

**List of subjects.** Are subject terms listed for each CFR part affected? Are they placed at the end of the preamble? (See section 1.6.)

**Words of issuance.** Have you provided a link between the preamble and the proposed regulatory text? (See section 1.7)

**Authority citation.** Is the authority citation correctly placed in the document? ( See section 1.11.)

**Amendatory language.** (See section 1.13.)

- Does it specify the exact CFR unit being changed?
- Does it use the correct terms?

**Table of contents.** Is the table of contents included for each subpart or part being set out in full? (See section 1.10.) Do entries agree with the regulatory text?

**Paragraphs.** Are all paragraphs of regulatory text indented and lettered or numbered correctly? (See section 1.12.)

**Asterisks.** Have you set out section headings and asterisks for partial section amendments? (See section 1.14)

**Cross-references.** (See section 1.15.)

- Is the correct style used?
- Do references meet the our criteria?

**Tables and illustrations.** (See chapter 7)

- Are they placed exactly where they are to be printed?
- Are they completely legible?
- Are charts and maps of photographic quality?

**OMB Control Number.** If included with the regulatory text, is it placed properly and in the correct style? (See section 8.19.)

**Signature and title.** (See section 116.)

- Is the original signature (handwritten in ink) included on the document? (One person may not sign for another or initial a signature.)
- Is the signer's name and title typed beneath the signature?
- If a signature date is given, is it correct?

**Quality.** (See section 1.18.)

- Are original(s) and certified copies legible?
- Is the document free of correction or adhesive tape?
- Are ink changes printed, dated, and initialed on all three copies? (See chapter 4.)
- Is the document double-spaced?

**Page numbers.** Are all pages numbered consecutively? (See section 1.18.)

**Matching copies and certification.** (See sections 1.18 and 8.5.)

- Are the original and two copies identical? Are all pages included?
- Are the copies properly signed or certified?

**Disks.** (See chapter 5.) If you have included a disk with your document:

- Is every document on a separate disk?
- Is the file on the disk identical to the signed original document?
- Did you include the verification/certification letter, stating that the file and document are identical?
- Is your document the only file on the disk?
- Did you save the file to the disk in ASCII or WordPerfect 6.1 format?
- Does the disk have a label that identifies your agency, the document's subject, the file name, and file format?
- Is the disk virus-free?
- Are the file and disk free of password protection or other security measures?